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असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

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NEW DELHI, WEDNESDAY, JULY 4, 1979/ASADHA 13, 1901

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 4th July, 1979/Asadha 13, 1901 (Saka)

THE RESERVE BANK OF INDIA (MAINTENANCE
OF SERVICES) ORDINANCE, 1979

No. 4 OF 1979

Promulgated by the President in the Thirtieth Year of the Republic of India

An Ordinance to provide, in the interests of the general public, for the prohibition of strikes in the Reserve Bank of India.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Reserve Bank of India (Maintenance of Services) Ordinance, 1979.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Ordinance,—

(a) "Bank" or "Reserve Bank" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934;

Short title, extent and commencement.

Definitions.

(b) "strike" or "strike in the Reserve Bank" means the cessation of work by a body of persons employed in the Reserve Bank acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment and includes—

(i) refusal to work overtime where such work is necessary for the discharge of the functions of the Bank;

(ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in the Bank.

Power to prohibit strikes in the Reserve Bank.

3. (1) If the Central Government is satisfied that in the interests of the general public it is necessary or expedient so to do, it may, by order, prohibit strikes in the Reserve Bank.

(2) An order issued under sub-section (1) shall be published in such manner as the Central Government considers best calculated to bring it to the notice of the persons affected by the order.

(3) An order issued under sub-section (1) shall be in force for six months only, but the Central Government may, by a like order, extend it for any period not exceeding six months if it is satisfied that in the interests of the general public it is necessary or expedient so to do.

(4) Upon the issue of an order under sub-section (1),—

(a) no person employed in the Reserve Bank shall go or remain on strike;

(b) any strike declared or commenced, whether before or after the issue of the order, by persons employed in the Bank shall be illegal.

Dismissal of employees participating in illegal strikes.

4. Any employee of the Reserve Bank who commences a strike which is illegal under this Ordinance, or goes or remains on, or otherwise takes part in, any such strike, shall be liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

Penalty for illegal strikes.

5. Any person who commences a strike which is illegal under this Ordinance or goes or remains on, or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for instigation, etc.

6. Any person who instigates, or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Penalty for giving financial aid to illegal strikes.

7. Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

- 2 of 1974. 8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Ordinance. Power to arrest without warrant.
- 14 of 1947. 9. The provisions of this Ordinance and of any order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947 or in any other law for the time force in force. Ordinance to override other laws.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

